

Summary of Clean Indoor Air Ordinances in Texas

Currently 26 cities in Texas have strong or relatively strong clean indoor air ordinances. This is an abbreviated summation of city ordinances across the state. Passing smoke-free policy requires significant education and grassroots support and is best achieved at the local level, where tobacco industry influence is minimized. In California, 80 percent of the population was covered by local ordinances before the legislature passed a strong statewide law creating smoke-free environments.

Almost all of the following ordinances include provisions for ventilation systems, age restrictions, signage and/ or time constraints. These provisions do not protect public health; can be cost-prohibitive, confusing and hard to enforce; and are endorsed by the tobacco industry. Recommended policy requires 100 percent smoke-free public places, excluding entirely places where the community would not support smoke-free environments. Model ordinance language is available on the Americans for Non-Smokers' Rights Foundation Web site at www.no-smoke.org. Cities in Texas with recommended policy include El Paso, Dallas and Robinson.

Alvin (near Houston)

01/11/01

Smoking prohibited in restaurants. Bars are exempt and are defined as any establishment which has more than seventy (70) percent of its annual gross sales in alcoholic beverages and which is devoted to the serving of alcoholic beverages for consumption and where minors are not allowed admittance. Bar areas in restaurants are not considered a "bar" because minors are admitted into this area.

Arlington (Dallas suburb)

07/27/99

Smoking prohibited in most public places. Exceptions for an eating establishment, bar, night club, adult entertainment establishment, billiard hall or bingo parlor that does not allow or employ persons under the age of eighteen (18). Exceptions for smoking areas that do not exceed thirty percent (30%) of the net floor area, provided that the designated smoking area is physically separated from non-smoking areas with barriers (walls) and separate ventilation systems. (A ventilation system must provide an air change every fifteen (15) minutes, exhaust the air to the exterior of the building, and the air from the smoking area cannot be drawn across the non-smoking area.)

A study conducted by the Texas Department of Health analyzed sales tax data from four Texas cities, including Arlington, and concluded that ordinances have no negative economic impact. The study showed that revenues stayed the same or increased in all four cities where ordinances were adopted.

<http://www.tdh.state.tx.us/bdip/publications.htm#tobreports>

Austin

10/30/03

The Austin City Council repealed a strong ordinance passed on June 5. The new ordinance makes all worksites smoke-free with the exception of restaurants, bars, bowling alleys, billiard halls, bingo halls and private fraternal organizations. A restaurant or bowling alley that derives less than 70 percent of sales from alcohol may only allow smoking in a fully enclosed, ventilated room where minors are not allowed with the purchase of a \$300 permit. However, in maintaining provisions passed in 1994, smoking will not be allowed in these rooms until after 2 p.m. Remaining venues are exempt as long as they buy a \$300 permit and do not allow minors to enter.

Austin is included in the Texas Department of Health study on the economic impact of ordinances. This study evaluates the impact of the ordinance passed in 1994 on restaurants.

<http://www.tdh.state.tx.us/bdip/publications.htm#tobreports>

Baytown
03/99

Smoking prohibited in city buildings and many other public places like day-care centers, movie theatres, libraries and museums. Private business owners/employers may allow smoking in a designated smoking area that is fully enclosed, ventilated and does not exceed 50 percent of floor space. Signs clarifying smoking and non-smoking areas are required.

Bryan
02/27/01

Smoking prohibited in most public places. Restaurants with a seating capacity over 50 people prohibit smoke from 6 am to 10 pm. Enclosed and stand-alone bars are excluded (separate ventilation system and a 4 foot separation distance from smoking and nonsmoking areas). Restaurants with a seating capacity of fifty 50 people or fewer prohibit smoking.

Carrollton (Dallas suburb)
12/01/98

Smoking prohibited in restaurants unless smoking section with special ventilation is provided. (A ventilation system must provide a total air exchange every 15 minutes and shall exhaust that air to the exterior of the building, and the air from the smoking area cannot be drawn across the non-smoking area.)

College Station
02/27/01

Smoking prohibited in most public places. Restaurants with a seating capacity over 50 people prohibit smoke from 6 am to 10 pm. Enclosed and stand-alone bars are excluded (separate ventilation systems and a 4 foot separation distance from smoking and non-smoking areas). Restaurants with a seating capacity of 50 people or fewer prohibit smoking.

Dallas
01/23/03

Smoking is prohibited in restaurants, bars within restaurants, hotel lobbies, bars within hotels, bingo halls, bowling alleys, hair salons, private clubs, and retail establishments. Restaurants are defined by their certificate of occupancy or the percentage of revenues from food (25%). Free standing bars (75% of revenue from bar sales), cigar bars and billiard halls are entirely exempt. Effective date was March 1, 2003.

El Paso
06/26/01

Smoking prohibited in all public places including all restaurants, bars, taverns and work places. No exceptions. Strongest municipal ordinance in Texas and nation, and also most complete in protecting the public's health.

A study conducted by the Texas Department of Health analyzed sales tax data in the year after this ordinance was passed. The study showed that the comprehensive ordinance had no impact on sales tax revenue.
<http://www.tdh.state.tx.us/bdip/Revenue03.pdf>

Fort Worth
07/15/97

Smoking prohibited in restaurants unless smoking section with barriers (walls) or special ventilation is provided. (A ventilation system must provide an air change every 15 minutes; exhaust the air to the exterior of the building and the air from the smoking area cannot be drawn across the non-smoking area). A restaurant with 50 seats or fewer

must post a sign at the restaurant's entrance that states "A Nonsmoking Section is not available." All enclosed dining areas in city buildings, regardless of occupancy, are nonsmoking.

Fredericksburg
11/23/2002

Smoking in a restaurant's bar would be allowed only if that area is physically separated from the rest of the establishment by an "impermeable barrier (with doors)" and is independently ventilated. In addition, the bar area would have to derive 51 percent or more of its annual gross receipts from the sale of alcoholic beverages. All other public indoor places must be smoke-free.

Leander (Austin suburb)
03/01/01

Smoking prohibited in all work places and public places with the exception of a designated separately enclosed, ventilated bar area of a restaurant and free standing bars.

Longview
01/09/03

Smoking prohibited in most public places unless separate rooms with separate ventilation systems are installed for smoking sections. Private clubs and places where minors are not allowed are exempt. Owners must post signs in designated smoking areas that warn of the health effects of secondhand smoke. The effective date is September 1, 2003.

Lubbock
06/14/01

Smoking prohibited in most public places. Exceptions are made for full-service restaurants if the designated smoking area does not exceed 30 percent of the dining area. The proprietor must petition the city for a smoking section (physically enclosed area with separate ventilation system). Exceptions also exist for private clubs (sports grills), which are owned by their members.

*5/4/02

Voter referendum to remove ordinance was defeated by 64 percent. Current ordinance maintained.

New Braunfels (between Austin and San Antonio)
02/12/01

Smoking prohibited in most public places. Exceptions are made for private clubs, stand-alone bars and bars that are fully enclosed with separate ventilation systems in a restaurant.

Odessa
06/26/01

Smoking guidelines for restaurants - owners have three options: 1) prohibit smoking 2) designate area as completely smoking 3) smoking section must be physically enclosed with a separate ventilation system.

Plano
08/28/95

Smoking prohibited in restaurants unless the establishment provides a smoking section with a physical barrier or air barrier system between the sections and an air purification system (electrically powered hospital grade, HEPA media filter that will clean all of the air in the designated smoking area every fifteen minutes as with not less than 95 percent of three-tenths micron particulates efficiency) or separate ventilation system that exhausts the air to the

exterior of the building. This section of the code includes cocktail lounges and private clubs (“bars”) that are regulated by the Texas Alcohol and Beverage Commission.

Plano is included in a Texas Department of Health study on the economic impact of ordinances.
<http://www.tdh.state.tx.us/bdip/publications.htm#tobreports>

Robinson (Waco suburb)
4/9/02

All work sites and public places are smoke-free with the exception of stand-alone bars.

Rollingwood (Austin suburb)
03/21/01

Smoking is prohibited in most public places. Exceptions for indoor employee smoking areas that are independently ventilated and outdoor dining areas that designate 25 percent of outdoor dining area as “no smoking” with a fifteen foot separation between the outdoor smoking and non-smoking areas.

Round Rock (Austin suburb)
11/14/02

The ordinance exempts bars that hold only beer and wine licenses and don't serve food. But mixed-drink bars that generate at least 50 percent of their revenue through alcohol sales will have to meet filtration and ventilation requirements in order to have designated smoking areas. Other than those exceptions, indoor public places are designated smoke-free, including all restaurants. Effective date was February 1, 2003.

San Antonio
12/03/01

Smoking prohibited in most public places and work sites with the exception of a designated separately enclosed dining or bar area of a restaurant where minors are not allowed admittance. Stand-alone bars, billiard halls, comedy clubs and bingo halls where minors are not permitted are exempt from the ordinance. Effective date is January 1, 2004.

Schertz (San Antonio suburb)
12/03/01

This ordinance prohibits smoking in restaurants and indoor public places, but if sales receipts are 25 percent or more related to alcohol, then it is considered a bar and exempted from the ordinance.

Sunset Valley (Austin suburb)
04/07/98

Smoking is prohibited in all public places unless the establishment designates an area within the public place as a smoking area, provided that the smoking area be completely physically segregated from non-smoking areas, with a separate HVAC system and air filtering system, to minimize the effect of smoke in non-smoking areas, and so that the air from the smoking area is not drawn across or into non-smoking areas.

Waco
5/21/02

Restaurants with less than 8 employees are exempt from any ordinance. Between the hours of 10 p.m. and 2 a.m. smoking is permitted in any designated area, no barriers or devices needed, effective date will be in 18 months. If

you have a physical barrier with separate ventilation built then smoking is permitted in that room. Stand-alone bars are exempt. At all other times and indoor places smoking is not permitted. Effective date was June 2003.

West Lake Hills
09/08/93

Smoking prohibited in all indoor public places, with the exception of designated employee smoking areas that are not open to the public.

Wichita Falls
07/95

Smoking is prohibited in all enclosed public places in the city with the exception of designated smoking areas which must be separately enclosed and ventilated from the non-smoking area. Bars where minors are not allowed are exempt along with public places used for private functions.

Wichita Falls was included in the Texas Department of Health study on economic impact.
<http://www.tdh.state.tx.us/bdip/publications.htm#tobereports>

This list changes often as cities begin and end their work towards an ordinance that protects public health.